

Remarks

Restriction Requirement

Applicants affirm election of Group I, claims 1-20 for prosecution. However, applicants maintain that the restriction requirement was in error. MPEP § 806.05 (f), contrary to the Examiner's quotation of that section reads:

"A process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process."

The Examiner states "In the instant case the product as claimed can be made by a materially different process such as one that comprises applying a primer composition comprise [sic] inorganic inert particles with an average particle size of 10 to less than about 20 micrometers." He does not explain why application of the primer composition described by the Examiner would be a materially different process. Furthermore, since claims 21 and 1 now recite the same size range for the inorganic inert particles, it is even less credible to state that the product of claim 1 could be made by a process that is materially different than the one of claim 21.

The process as claimed in claim 21 makes the product of claim 1 and could not be used to make other and different products. If the steps of claim 21 are followed, the product of claim 1 will always be the result.

Applicants request that the restriction requirement be withdrawn.

Rejection Under 35 USC § 112

Claims 4 and 5 have been made definite by making clear as to what “said heat resistant adhesion promoter” refers.

New claim 25 does not suffer the indefiniteness problem of claim 6, since it is directed to the method of claim 21 from which it now depends. It relates to the primer composition prior to use in the coating of claim 1, but for reasons given above it should not be subject to a restriction requirement. Weight percentages of non-solids, such as solvents, are given on the basis of solids content of the primer composition, which simply means that the weight of the ingredient in question is not included in the denominator of the fraction in the percentage calculation.

The missing comma in claim 6 has been provided in claim 25.

Claim 16 is rendered definite by being directed to the topcoat composition. The recited weight percentages are clearly calculated on the basis of the solids content of the topcoat composition.

Claim Rejections Under 35 USC § 102 and 103

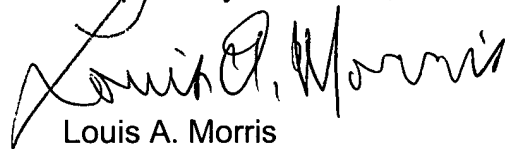
Applicants gratefully acknowledge indication by the Examiner of allowable subject matter. In accordance with the Examiner's suggestion, claim 2 has been essentially written in independent form by incorporating its subject matter into claim 1.

Claim 16 has been amended in a similar manner to incorporate the subject matter of claim 24 and claim 24 is cancelled.

Conclusion

All grounds for rejection and objection to the instant claims and the restriction requirement have been obviated by the Amended Claims and above discussion. An early allowance of all pending claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis A. Morris", is written over the typed name.

Louis A. Morris
Attorney for Applicant(s)
Reg. No. 28,100

Akzo Nobel Inc.
Intellectual Property Department
7 Livingstone Avenue
Dobbs Ferry, N.Y. 10522
(312) 544-7378